

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

PHILLIP THOMAS GRZEGOREK,

Civil Action No. 08-771

Plaintiff,

v.

Judge Terrence F. McVerry

ALL CREDIT FINANCE, INC. t/d/b/a,
ALL CREDIT FINANCE, PITTSBURGH
SETTLEMENT COMPANY, ELLEN
KLIMANTIS-BERGER, RANDY BERGER,
EMANUEL KLIMANTIS, VASILIA
KLIMANTIS-BERGER and JAY BERGER,

Defendants.

MOTION TO OPEN RECORD AND CORRECT DAMAGE CALCULATIONS

AND NOW, comes the Plaintiff, Phillip Thomas Grzegorek, by and through his attorney, Gianni Floro, Esquire, and files the following Motion to Open Record and Correct Damage Calculations:

1. This morning the Plaintiff, Phillip Thomas Grzegorek, presented his damages and injuries to the District Court.
2. In the course of the presentation by the undersigned, an error was made in two items of damages placed on the record, wherein the undersigned indicated that, relative to paragraphs 40 and 41, the Plaintiff had to pay his local and school taxes, and his delinquent 2005 Beaver County tax, which was factually accurate, and which he had his mother go and pay, after he had believed the loan refinance was rescinded. However, the error occurred in that the undersigned stated that Defendants kept the money, but as stated at paragraph 50, the Plaintiff retained check numbers 303, **1305, 1308 and 1307.**

3. The undersigned indicated to the District Court that the sums related to 1305, 1308 and 1307, as indicated in the spread-sheet provided to the District Court, were damages of the Plaintiff, which is not correct and should be deducted from the damage computations.

4. The undersigned discovered the error in discussing the issue with Mrs. Ferguson after the hearing and thereafter contacted the District Court to the discovery of the error, wherein she advised that she paid the taxes and that her son then paid her back from the checks he received.

5. Attached hereto is a revised spread sheet, properly indicating the damages of the Plaintiff (said sums do not include any unliquidated damages), for inclusion into the record. (Ex. 1, "Revised Spread Sheet")

WHEREFORE, the Plaintiff, Phillip Thomas Grzegorek, based upon the foregoing Motion to Open Record and Correct Damage Calculations, respectfully requests that this District Court enter an "Order of Court" opening the record on the hearing on damages, for the purpose of correcting the amount of damages stated to have been incurred by the Plaintiff and including the Revised Spread Sheet into the Record.

Respectfully submitted,

/s/ Gianni Floro
Gianni Floro, Esquire
PA ID No. 85837
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Open Record and Correct Damage Calculations was served upon the following Defendants by U.S. First Class Mail and certified mail, this 21st day of October , 2009, addressed as follows:

All Credit Finance, Inc.
c/o Monte J. Rabner, Esquire
c/o Fred G. Rabner, Esquire
429 Fourth Avenue
800 Law & Finance Building
Pittsburgh, PA 15219

Pittsburgh Settlement Company
Attn: Jay Berger/Vasilia Klimantis-Berger
17 Brilliant Avenue
Pittsburgh, PA 15215

Elleni Klimantis-Berger
150 Millview Drive
Pittsburgh, PA 15238

Randy Berger
150 Millview Drive
Pittsburgh, PA 15238

Emanuel Klimantis
224 2nd Street
Aspinwall, PA 15215

Emauel Klimantis
2405 Sarah Street
Pittsburgh, PA 15203

Jay Berger
17 Brilliant Avenue
Aspinwall, PA 15215

Jay Berger
c/o Stanton D. Levenson, Esquire
Gulf Tower
707 Grant Street, Suite 1715
Pittsburgh, PA 15219

Vasilia Klimantis-Berger
620 Arbor Court
Pittsburgh, PA 15238

Respectfully submitted,

/s/ Gianni Floro
Gianni Floro, Esquire
PA ID No. 85837